

1 COOPER, WHITE & COOPER LLP
STEPHEN KAUS (SBN 57454)
2 skaus@cwclaw.com
SCOTT M. McLEOD (SBN 242035)
3 smcleod@cwclaw.com
201 California Street, 17th Floor
4 San Francisco, California 94111
Telephone: (415) 433-1900
5 Facsimile: (415) 433-5530

6 Attorneys for Tarantinos, Inc. and MacMarin,
Inc.

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

TARANTINOS, INC., and MACMARIN,
INC.,

Plaintiffs,

vs.

CONSECO LIFE INSURANCE COMPANY,
JOHN S. LEIPSIC, INC.; and DOES ONE
through TEN,

Defendants.

CASE NO. CV 09 1974 SBA

**SECOND STIPULATION AND
PROPOSED ORDER EXTENDING
DEADLINE TO FINALIZE
SETTLEMENT**

Trial Date: None set

WHEREAS this matter, which seeks reinstatement of life insurance policies, has been
settled in principle,

WHEREAS the parties so informed the Court and on September 17, 2009, this Court
issued an order dismissing the case with prejudice, but providing that "In the event that the
settlement is not reached, any party may move to reopen the case and the trial will be rescheduled,
provided that such motion is filed within 45 days of this order", (Docket No. 35, the "Order")

WHEREAS the forty-five days provided in the Order during which a motion to reopen the
case may be filed would have expired on November 1, 2009,

WHEREAS the parties previously stipulated and the Court issued an order extending the

1 forty-five (45) day period to request reinstatement in compliance with the Order an additional
2 thirty (30) days until December 1, 2009, (Docket No. 37)

3 WHEREAS the parties remain agreed in principle, but the parties are still evaluating issues
4 concerning the payment of premiums that must be determined before a formal settlement
5 agreement can be signed, and

6 WHEREAS, the parties believe that they will require an additional thirty (30) days to reach
7 a final, formal settlement,

8 THEREFORE the parties stipulate and request the Court to issue an order extending the
9 period to request reinstatement in compliance with the Order an additional thirty (30) days until
10 December 31, 2009.

11 DATED: November 25, 2009

BRADLEY ARANT BOULT CUMMINGS LLP

12
13 By: /s/ Jason A. Waters
Jason A. Walters
14 Attorneys for Conseco Insurance Company.

15 DATED: November 25, 2009

COOPER, WHITE & COOPER LLP

16
17 By: /s/ Stephen Kaus
Stephen Kaus
18 Attorneys for Tarantinos, Inc. and MacMarin,
Inc.

19 So ordered,
20
21

22 NOVEMBER 30, 2009

23 DATED: ~~October 28, 2009~~


24 SAUNDRA BROWN ARMSTRONG
25 United States District Judge
26
27
28